

Docket No.
068856/221
HMG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Donald J. Urbas, David Ellwood, Eric B. Weddington
Serial No. : New Application
Filed : Concurrently Herewith
Title : IMPLANTABLE INDUCTIVELY PROGRAMMED
TEMPERATURE SENSING TRANSPONDER

**DECLARATION CLAIMING SMALL ENTITY STATUS
UNDER 37 C.F.R. 1.9(f) AND 1.27(c) - SMALL BUSINESS CONCERN**

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

BIO MEDIC DATA SYSTEMS, INC.
One Silas Road
Seaford, Delaware 19973

I hereby declare that the above identified concern qualifies as a small business concern as defined in 13 C.F.R. §§ 121.801 through 121.805, in accordance with 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under Sections 41(a), (b) and (h) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement:

- (1) In calculating the number of employees of the business concern: (a) the average numbers of employees is used (including employees of domestic and foreign a

affiliates) based upon numbers of employees for each of the pay periods for the preceding completed 12 calendar months; (b) part-time and temporary employees are counted the same as full-time employees; (c) if the concern has not been in business for 12 months, the average number of employees is used for each of the pay periods during which it has been in business; and (d) the treatment of employees of former affiliates or recently acquired affiliates is the same as for size determinations using annual receipts under 13 C.F.R. § 121.104(d); and

- (2) Concerns are affiliates of each other when one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled IMPLANTABLE INDUCTIVELY PROGRAMMED TEMPERATURE SENSING TRANSPONDER by inventors Donald J. Urbas, David Ellwood and Eric B. Weddington, as filed concurrently herewith.

If the rights held by the above identified small business concern are not exclusive, each person, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. § 1.9(c), or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

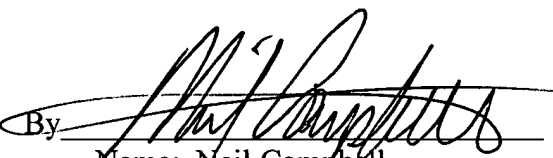
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No such person, concern or organization.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 C.F.R. § 1.28(b).

I hereby declare that all statements made herein or my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

BIO MEDIC DATA SYSTEMS, INC.

, 1999 By 
Name: Neil Campbell
Title: President

Please type a plus sign (+) inside ☒ box → ☒

PTO/SB/01 (12-97)

Approved for use through 9/30/00. OMB 0651-0032

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.3)		Attorney Docket Number	068856/221
		First Named Inventor	Donald J. Urbas
<input checked="" type="checkbox"/> Declaration Submitted with initial Filing OR <input type="checkbox"/> Declaration Submitted After initial Filing (surcharge (37 CFR 1.6(e)) required)		<i>COMPLETE IF KNOWN</i>	
		Application Number	New Application
		Filing Date	Concurrently Herewith
		Group Art Unit	
		Examiner Name	

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**IMPLANTABLE INDUCTIVELY PROGRAMMED
TEMPERATURE SENSING TRANSPONDER**

the specification of which

☒ is attached hereto (Title of the Invention)

OR

☐ was filed on _____ as United States Application Number or PCT International

Application Number _____ and was amended on (MM/DD/YYYY) _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	
		<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

(Page 1 of 3)

Burden Hour Statement: This form is estimated take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SENT TO: Assistant commissioner for Patents, Washington, DC 20231.

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DECLARATION – Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and

Trademark Office connected therewith: ☐ Customer Number

OR

☒ Registered practitioner(s) name/registration number listed below.

Name	Registration Number	Name	Registration Number
Lawrence Rosenthal	24,377		
Steven B. Pokotilow	26,405		
Howard M. Gitten	32,138		
Matthew W. Siegal	32,941		

☐ Additional registered practitioner(s) named on supplemental registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to : ☐ Customer Number

☐ Correspondence address below

or Bar Code Label

Name	STROOCK & STROOCK & LAVAN LLP				
Address	180 Maiden Lane				
Address					
City	New York	State	New York	ZIP	10038
Country	US	Telephone	(212) 806-5400	Fax	(212) 806-6006

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor

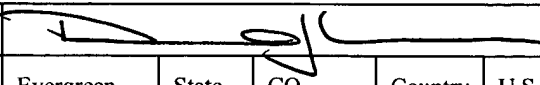
☐ A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])

Family Name or Surname

Donald J.

Urbas

Inventor's Signature					2-3-00	Date	
Residence: City	Evergreen	State	CO	Country	U.S.	Citizenship	U.S.
Post Office Address							
Post Office Address	31182 Island Drive						
City	Evergreen	State	CO	Zip	80439	Country	U.S.

☒ Additional inventors are being named on the supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

(Page 2 of 3)

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DECLARATION	ADDITIONAL INVENTOR(S) Supplemental Sheet Page 3 of 3
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Name of Additional Joint Inventor, if any:						<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name(first and middle [if any])						Family Name or Surname	
David						Ellwood	
Inventor's Signature						2/3/00	
	Lake Wood	State	CO	Country	U.S.	Citizenship	U.S.
Residence: City	Lake Wood						
Post Office Address							
Post Office Address	265B West Kentucky Drive						
	580 S. Field Ct.						
City	Lake Wood	State	CO	ZIP	80226	Country	U.S.
Name of Additional Joint Inventor, if any:						<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name(first and middle [if any])						Family Name or Surname	
Eric B.						Weddington	
Inventor's Signature						00-02-03	
	Evergreen	State	CO	Country	U.S.	Citizenship	U.S.
Residence: City	Evergreen						
Post Office Address							
Post Office Address	6471 Arapahoe Drive						
City	Evergreen	State	CO	ZIP	80439	Country	U.S.
Name of Additional Joint Inventor, if any:						<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name(first and middle [if any])						Family Name or Surname	
Inventor's Signature						Date	
Residence: City		State		Country		Citizenship	
Post Office Address							
Post Office Address							
City		State		ZIP		Country	

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